

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-090261

06/04/2012

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT
I. Ostrander
Deputy

IN RE THE MARRIAGE OF
MARY LYNN RANA

ZALENA MOCCIO KERSTING

AND

VINCENT SCALISI

VINCENT SCALISI
1456 E PECOS RD #3040
GILBERT AZ 85296

FAMILY COURT SERVICES-CCC

**RESOLUTION MANAGEMENT CONFERENCE
EVIDENTIARY HEARING SET**

Courtroom 402 SEF

9:21 a.m. This is the time set for Resolution Management Conference regarding Respondent's *Petition for Order to Show Cause Re: Modification of Custody, Parenting Time and Child Support and Petition for Enforcement of Minute Entry dated May 25, 2007* filed on February 27, 2012, and Petitioner's response thereto filed on May 2, 2012. Petitioner/Mother is present and is represented by counsel, Zalena Moccio Kersting. Respondent/Father is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Counsel for Mother addresses the Court.

Father responds.

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Discussion is held.

LET THE RECORD REFLECT the parties agree that Father may exercise parenting time during Labor Day weekend, from 4:00 p.m. on Friday until 10:00 a.m. on Sunday.

LET THE RECORD FURTHER REFLECT included in Mother's response to Father's petition is a motion to dismiss the petition.

IT IS ORDERED by no later than June 18, 2012, Father shall file a response to Mother's motion to dismiss, with a copy provided to this Court and to Mother, through counsel, and by no later than July 2, 2012, Mother shall file a reply thereto, with a copy provided to this Court and to Father.

IT IS FURTHER ORDERED setting Evidentiary Hearing on **September 10, 2012, at 10:00 a.m. (time allotted: 2 hours)** before the Honorable Timothy J. Ryan at:

Maricopa County Superior Court
Southeast Judicial District
Courtroom 402
222 E. Javelina Avenue
Mesa, AZ 85210

Pursuant to Rule 77(B), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination, and any argument. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED that the parties shall file and provide this division with a copy of a Joint Pre-Hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than **September 4, 2012**.

IT IS FURTHER ORDERED that the Joint Pre-Hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Information.

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2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Hearing Statement those exhibits they have agreed will be admissible at the hearing, as well as any specific objections that will be made to any exhibit, if offered at the hearing, that is not agreed to be admitted. Reserving all objections to the time of the hearing will not be permitted. At the time of the hearing, all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-Hearing Statement shall be summarily admitted.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of the hearing or to timely present the Joint Pre-Hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 71, Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(k), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the hearing must be brought to this division **no later than September 4, 2012, with a coversheet listing the description of the exhibits. The exhibits shall be separated by a COLORED sheet of paper.** Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections. NOTE: DO NOT PROVIDE A BENCH COPY OF THE EXHIBITS. Attorneys who violate this order shall reimburse their client for the cost of preparing a Bench Copy notebook and will be sanctioned a \$100 fine payable to the Clerk of Court.**

NOTE: If either party intends to offer as evidence the digital or electronic recording from a prior court proceeding, the party shall also provide to the Court a certified transcript of the recording, which shall be marked as an exhibit. The party seeking to offer the recording as evidence shall bear the cost for preparation of the transcription. If either party intends to offer documents as evidence that are in a language other than English, the Court shall be provided with an official certified translation of the documents.

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Counsel and the parties are reminded of their obligation to give prompt notice to the Court of any settlement as required by Rule 70, Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents, and exhibits on or before **August 10, 2012**.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **August 10, 2012**.
3. Counsel and both parties shall confer on or before **August 10, 2012**, to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or healthcare provider, or employer possessing any relevant information.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before the hearing. If you make a written request before the hearing, the Court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pre-Hearing Statement.

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

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9:37 a.m. Hearing concludes.

LATER:

LET THE RECORD REFLECT prior to the commencement of today's proceeding, Father advised the courtroom clerk that his current address has changed. The courtroom clerk has updated Father's address in iCIS as reflected on the *Update Information on Address* form filed this date.

FILED: *Update Information on Address* form

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.